

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Bernard Garcia-Keegan,

Case No. 3:16CV02828

Plaintiff,

v.

ORDER

Nancy A. Berryhill,
Acting Commissioner of Social Security,

Defendant.

This is a Social Security case in which plaintiff, Bernard Garcia-Keegan, challenges the Commissioner's decision denying his application for disability insurance benefits.

An administrative law judge (ALJ) found Garcia-Keegan capable of performing light work, including his past relevant work as a president and a museum director, and therefore concluded he was not disabled. (Doc. 11, ID 88-90). Garcia-Keegan sought judicial review of the decision, insisting that the ALJ failed to give "good reasons" for rejecting the March 2015 opinion of his treating physician, Dr. Cooper, who noted that Garcia-Keegan could rarely hold his head in a static position; occasionally look down; occasionally turn his head right and left; and occasionally look up. (Doc. 14, ID 1655).

Magistrate Judge William H. Baughman, Jr. considered Garcia-Keegan's complaint, but issued a Report and Recommendation (R&R) recommending that I affirm the ALJ's decision. (Doc. 20).

The Magistrate Judge explained that "although the ALJ here might have been more specific in assembling and connecting the evidence to the reasons why" he gave Dr. Cooper's opinion little

weight, he referred to “uncontroverted objective medical evidence” showing “only a mild irritation or damage to the nerve root that would [a]ffect the neck and head,” and noted “that there was no significant objective medical evidence that the spine was compromised by stenosis.” (Doc. 20, ID 1731-32). Garcia-Keegan could not “point to any specific contrary medical evidence that would support Dr. Cooper’s opinion” and “conceded that no other medical source . . . construed the medical evidence in the same manner as Dr. Cooper.” (*Id.* at 1731). Magistrate Judge Baughman therefore concluded that the ALJ gave “a good reason” to accord Dr. Cooper’s opinion lesser weight, which was “supported by substantial evidence and . . . capable of meaningful judicial review.” (*Id.* at 1732).

“A party who does not file specific objections to a magistrate judge’s report and recommendation” generally “waives his right to appeal,” and Garcia-Keegan has filed none. *Kissinger v. Comm’r of Soc. Security*, 28 F. App’x 478, 478 (6th Cir. 2002) (citing *United States v. Walters*, 638 F.2d 947, 949–50 (6th Cir. 1981)). “Moreover,” I am “not require[d] to review an issue *de novo* if no objections are filed.” *Thomas v. Arn*, 474 U.S. 140, 154 (1985).

There being no objection to the R&R, which I find, in any event, to be well-taken and correct, it is hereby

ORDERED THAT the Magistrate Judge’s Report and Recommendation (Doc. 20) be, and the same hereby is, adopted as the order of the court.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge